

REMARKS

Claims 1-4, 6-9 and 11-22 are pending in this application. Claims 14-19 are withdrawn by the Examiner. By this Amendment, claims 1, 6, 20 and 21 are amended, and claims 5 and 10 are canceled without prejudice to or disclaimer of the subject matter recited therein. Independent claims 1 and 6 are amended to incorporate the allowable subject matter of claims 5 and 10, respectively. Support for the amendments to claims 20 and 21 can be found, for example, in the specification on page 10, lines 17-19; and page 23, line 25 to page 24, line 17. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely incorporate the allowable subject matter of canceled claims and clarify features previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Allowable Subject Matter

The Office Action indicates that claims 5 and 10 contain allowable subject matter, and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. As discussed above, independent claims 1 and 6 are amended to incorporate the allowable subject matter of claims 5 and 10, respectively. Thus, claims 1 and 6, along with their dependent claims, are allowable.

II. §112, Second Paragraph, Rejection of Claims 21 and 22

The Office Action rejects claims 21 and 22 under 35 U.S.C. §112, second paragraph. The amendment to claim 21 obviates the rejection. The amendment to claim 21 is supported

by the specification, for example, on page 10, lines 17-19; and page 23, line 25 to page 24, line 17. Thus, it is respectfully requested that the rejection be withdrawn.

III. §112, First Paragraph, Rejection of Claims 20-22

The Office Action rejects claims 20-22 under 35 U.S.C. §112, first paragraph. The amendments to claims 20 and 21 obviate the rejection. The amendment to claim 20 is supported by the specification, for example, in the amended paragraph beginning on page 9, line 14 (amended in the August 7, 2006 reply to the Notice of Non-Compliant Amendment), which clearly states that "when the plural toner layers are temporarily fixed at a low temperature or fixed in plural steps, . . . the toner layer can be efficiently degassed at the fixing . . ." (emphasis added). The amended paragraph beginning on page 9, line 14 is not limited to only one of the embodiments described in the specification, as is evidenced by the operative word "or" in the paragraph (as well as by the disclosure on page 9, lines 1-13 preceding the amended paragraph). Thus, in the case when the plural toner layers are only temporarily fixed, rather than in plural steps, the fixing of the toner layer can also be the temporary fixing. That is, the paragraph clearly states "when the plural toner layers are temporarily fixed at a low temperature . . . the toner layer can be efficiently degassed at the fixing . . ." One skilled in the art would readily recognize and understand that the fixing in this instance corresponds to the temporarily fixing recited earlier in the sentence.

The amendment to claim 21 is supported by the specification, for example, on page 10, lines 17-19; and page 23, line 25 to page 24, line 17. Thus, it is respectfully requested that the rejection be withdrawn.

IV. §102(a) and (e) Rejections of Claims 1-4, 6-9, 11-13, 20 and 21

The Office Action rejects claims 1-4, 6-9, 11-13, 20 and 21 under 35 U.S.C. §102(a) and §102(e) over Iwase et al. (Iwase), U.S. Patent Application Publication No. 2003/0043108. These rejections are rendered moot by the amendments to claims 1 and 6.

V. Rejoinder of Claims 14-19

Rejoinder of claims 14-19 is respectfully requested upon allowance of independent claims 1 and 6, from which claims 14-19 depend.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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